

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, June 16, 2003
6:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 6:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 6:00 p.m. in Room B-8. The 5:00 p.m. portion of the meeting was recessed by the City Clerk to 6:00 p.m. due to an anticipated lack of quorum.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Green, Boardman, Cook (Hardy arrived 6:01 p.m., Houchen arrived 6:05 p.m.) (Councilmember Coerper had requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Absent: Coerper

City Clerk Announced a Late Communication

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehling announced a Late Communication regarding an agenda item that had been received following release of the agenda packet by the City Clerk's Office and distributed during the Study Session.

Communication submitted by the Department of Public Works, PowerPoint presentation titled *Sewer Master Plan* (with Executive Summary).

(City Council) Study Session Held – Presentation Made by the Public Works Director of the Sewer Master Plan (1020.40)

William Workman, Assistant City Administrator, introduced Robert F. Beardsley, Director of Public Works. Mr. Beardsley stated the Sewer Master Plan had been approved by the Public Works Commission.

Public Works Director Robert F. Beardsley reported and provided an overview of the city's Sewer Master Plan. Director Beardsley confirmed the Sewer Master Plan was unanimously adopted by the Public Works Commission. He stated that developers had been updated on the Sewer Master Plan.

Principal Civil Engineer Todd Broussard and City Engineer Dave Webb also reported from the PowerPoint presentation titled *Sewer Master Plan*, which had been announced as a Late Communication by Assistant City Clerk Liz Ehling. It was reported that the Sewer Master Plan would return to Council on July 7, 2003 for adoption.

Discussion was held between Council and staff concerning: 1) increased developer fees; 2) funding grants; and 3) five-year Master Plan updates.

Mayor Boardman thanked staff for their Study Session presentation.

Motion to Recess to Closed Session – Approved

A motion was made by Green, second Sullivan to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: Coerper

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: one. Subject: **Potential Litigation re: Injunction against New Life Acupuncture.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its attorney regarding pending litigation. Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **Claim of City Clerk Connie Brockway.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Green, Boardman, Cook, Houchen, Hardy

Absent: Coerper

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on June 16, 2003 Pursuant to Government Code §54956.9(c) Relative to Potential Litigation Re: Injunction against New Life Acupuncture. (120.80)

City Attorney Jennifer McGrath announced that on Monday, January 16, 2003 the City Council convened in Closed Session to discuss potential litigation regarding **Injunction against New Life Acupuncture.** The City Attorney handed Assistant City Clerk Liz Ehling the related communication titled *(Initiate Litigation) Report of Action Taken Pursuant to Government Code Section 54957.1(a)(2); June 16, 2003, City Council Closed Session* which reflected her oral statement.

The communication dated June 2, 2003 reads as follows: On Monday, June 16, 2003, the City Council convened in closed session to discuss whether to initiate litigation regarding the matter of New Life Acupuncture.

The City Council voted to initiate litigation against New Life Acupuncture. The Council voted as follows: 6 Ayes; 0 Noes; 0 Abstentions; 1 Absent (Gil Coerper).

Pledge of Allegiance – Boy Scouts Troop 1. Joe Hammer, Scoutmaster; Bill Hodge, Troop Committee Chair. Troop 1 is in its 86th year and was chartered by First Christian Church.

Moment of Silence Observed

Mayor Boardman requested observation of a “moment of silence” to reflect upon issues before the Council, public and staff.

Late Communications Announced

Pursuant to the Brown (Open Meetings) Act, the Assistant City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Department of Public Works PowerPoint Presentation titled *Sewer Master Plan* dated June 16, 2003 (with Executive Summary) for the Study Session (5 p.m. portion of meeting).

Information Services Department PowerPoint titled *“Information Services Consolidation Plan – 2003”* received by City Clerk June 12, 2003.

Communication received from the Information Services Department dated June 16, 2003 titled *Information Services (I.S.) Reorganization Personnel Cost Savings*.

Communication from Rick Evans, President of Huntington Beach Hummer dated June 13, 2003 urging that Council reject proposed Ordinance No. 3611 or amend it to allow vehicles up to 87” wide to park on city streets.

Two communications from Jean Polkow dated June 13, 2003 and June 14, 2003 opposed to proposed Ordinance No. 3611.

Presentation made to Mayor Connie Boardman, Community Services Director Mr. Jim Engle, and Cultural Services Supervisor Kate Hoffman, a check in the amount of \$35,000 by Diana Casey and Gerald Chapman of the Huntington Beach Art Center Foundation. (160.40)

Presentation made to Mayor Connie Boardman and Community Services Director Jim Engle, a presentation by the 4th of July Executive Board members. Vice President Carole Ann Wall, Karen Pederson, Mike Ali, and Mary Ellen Cianciabella. Mayor Connie Boardman drew the name of the winner of an opportunity to ride in the 4th of July Parade. Mayor Boardman announced that the 4th of July Parade Grand Marshal would be Mickey Rooney and the Sports Grand Marshal would be Reggie Jackson. (160.40)

Mayor’s Award presented by Mayor Connie Boardman and Public Works Director Robert F. Beardsley, to Contract Administrator, Eric Charlonne of the Public Works Department for his 29 years of outstanding service and dedication to the City of Huntington Beach. (160.40)

Mayor Boardman announced the agenda item concerning oversized vehicles would be pulled from the agenda but invited the public to pick up Police Chief Kenneth Small’s business card for continuing further dialogue.

Public Comments

Ron McLin, a member of the Downtown Restaurant Association, spoke in support of Councilmember Houchen's agenda item regarding downtown trash collection and expressed his appreciation. Mr. McLin spoke of the need to keep trash from accumulating in the downtown area and of meetings between Downtown Merchants and staff. He was also opposed to promotional materials being littered and distributed on street corners.

Joe Gonzales, spoke in opposition to proposed Ordinance 3611 and to a twelve-hour time limit to load and unload recreational vehicles.

Peter Wellenstein spoke in opposition to proposed Ordinance No. 3611, stating his opinion that twelve hours is too short a time period to load and unload a recreational vehicle and for visitors to park.

Jean Polkow spoke in opposition to proposed Ordinance No. 3611 concerning recreational vehicles and urged Council to not adopt the ordinance.

Mayor Boardman reminded everyone that the agenda item concerning proposed Ordinance No. 3611 was pulled from the agenda and for speakers to pick up Police Chief Small's business card if they wished to continue further dialogue.

Public Comments Resumed

Lyn Distel, spoke on behalf of Cam Ha, Library Information Systems Manager, concerning the proposed Information Systems consolidation and urged that the Library Information Systems staff not be consolidated with the City Information Services (IS) Department.

Julie Bixby spoke in favor of the Information Systems reorganization, however, with the exclusion of the Library Information Systems. She suggested Council's consideration of the Library Board's evaluation of the consolidation.

Chuck Scheid requested that Council consider any potential adverse impact should Council support state-mandated legislation, as perhaps costs would not be reimbursed to the city. Mr. Scheid distributed two Late Communications dated June 16, 2003 to Council and the City Clerk titled (1) *Public Comments*; and (2) *Constitution Article 13B Government Spending Limitation Sec. 6*.

Karl Wysocki spoke in opposition to proposed Ordinance 3611 and to a twelve-hour time limit to load and unload recreational vehicles.

Murray McDole spoke in opposition to proposed Ordinance No. 3611 concerning a twelve-hour time limit for recreational vehicles and urged Council not to adopt it.

Merrilee Madrigal spoke in opposition to use of the nursery dumping soil on Southern California Edison property causing a raise in the property level by the Santa Ana River. She requested that a stop order be issued, and that flood control measures be upheld.

Mayor Boardman requested that the speaker submit a blue contact card to Public Works.

Public Comments Resumed

Roger Hiles spoke in opposition to the Information Systems consolidation and urged that the Library Information Systems staff not be consolidated with the City Information Services (IS) Department. He stated that if the consolidation is nevertheless approved, IS commitment to the Library be implemented with a partnership agreement.

Rex Ricks spoke in opposition to airplane noise decibel levels and the flight path of the Long Beach Airport. Mr. Ricks informed Council of an upcoming meeting in Los Angeles.

Joan Rambo, a member of the Orange County Genealogy Society, spoke in opposition to the Information Systems consolidation and urged that the Library Information Systems staff not be consolidated with the City Information Services (IS) Department.

Mary Sue Pierce, President of the Orange County Genealogy Society, spoke in opposition to the Information Systems consolidation and urged that the Library Information Systems staff not be consolidated with the City Information Services (IS) Department.

Ryan Gaglio spoke in support of Assembly Bill 496 concerning the Santa Ana River as he believes the proposed legislation would result in effecting the goal of good water quality.

Debbie Borden spoke in opposition to the lack of the Invocation on the agenda. She offered a prayer.

Mark Bixby requested information in City Council budget meeting packets be available on the Internet and stated that he believed recent packet material should have been available at the meeting.

Steve Daniel requested that Surf City credit card holders receive discounts and two hours free parking downtown. Mr. Daniel also spoke in support of Councilmember Houchen's agenda item concerning the need to keep trash from accumulating in downtown area.

(City Council) Approved Recommendations from the Intergovernmental Relations Committee for Improving Process by which the City Council Takes Positions on Legislation Pending before the Federal, State or Regional Governments (640.90)

The City Council considered a communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue**: Approve recommendations for improving the process by which legislative positions are taken by the City Council.

Councilmember Hardy reported that after reviewing the current process for taking legislative positions, the Intergovernmental Relations Committee would like to recommend the following amendments to the existing process for taking positions on legislation pending before a Federal, State, or Regional body.

A motion was made by Sullivan, second Cook to:

1. To assure we remain in compliance with the Brown Act, when the Mayor is a member of the Committee and the need arises to use the "Fast Track" process for pending legislation amend the current the Mayor, the Mayor Pro Tem (or when one of these people is unavailable), the next member of Council based on seniority), and the City Administrator will:
 - Determine that the "Fast Track" process is warranted,
 - Formulate the City's position, and
 - Authorize that a letter be sent under the Mayor's signature.(The other components of the "Fast Track" process will remain in place.)
2. Items to be considered by the INTERGOVERNMENTAL RELATIONS COMMITTEE will only be placed on the Committee's agenda:
 1. When requested by any member of the City Council or
 2. By a recommendation from staff.
3. Positions of the Committee and of the City Council will be stated with reference to the specific version of the bill on which the position is being taken, e.g. "as introduced" or "as amended (date)."
4. Amendments to bills on which the Council has taken a position will be distributed weekly to the Council with the "Legislative Tracking List" and reconsideration of the City's position on a bill will occur only when so requested by any member of the Council.
5. Positions on legislation are to be taken only when that legislation has an impact on the City.

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: Coerper

(City Council) Mayor Connie Boardman Made Announcement of Individual Appointment by Councilmember Gil Coerper of John Scandura to the Planning Commission (110.20)

The City Council considered a communication from Councilmember Gil Coerper transmitting the following **Statement of Issue**: Due to my absence at the June 16, 2003 City Council Meeting, I have asked Mayor Connie Boardman to announce my appointment of John Scandura to the Planning Commission. I would also like to extend my appreciation to Mayor Pro Tem Cathy Green and City Council Member Dave Sullivan for assisting me in the interview process, and to each of the applicants who responded to my call for applications.

Mayor Boardman introduced John Scandura who thanked Councilmember Coerper for his appointment and stated he looked forward to his term on the Planning Commission.

A motion was made by Boardman, second Green to:

Direct the City Clerk to make record in the minutes to reflect the individual appointment by Councilmember Gil Coerper of John Scandura to the Planning Commission.

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: Coerper

(City Council) City Administrator's Report - Requested Council Approval to Open at the June 30, 2003 City Council Budget Meeting a Designation Period for the Two-Year Additional Service Credit under the Public Employees' Retirement System (CalPERS) for Certain Eligible City Employees (600.20)

The City Council considered a communication from Assistant City Administrator William Workman detailing the request, which was included in the agenda packet. The communication was titled *California Public Employees' Retirement System Opening of a Designation Period for the Two-Year Additional Service Credit* and set forth the reason for and estimated cost of the two-year additional service credit.

Assistant City Administrator William Workman reported and informed Council there was no action required by Council now, however, a two week notice to Council is required prior to opening a designation period for the two-year additional service credit. Mr. Workman stated a resolution would be presented to Council on June 30, 2003 to consider and adopt the two-year additional service credit designation period for certain eligible city employees under the Public Employees' Retirement System (PERS).

(City Council) City Administrator's Report - Announcement Made of Consent Item re: the City's Award of Funding for Street Rehabilitation Projects under the Orange County Transportation Authority's (OCTA) Arterial Highway Rehabilitation Program (600.50)

Assistant City Administrator William Workman announced that in 2000, the Public Works Department applied for funding under the Orange County Transportation Authority's (OCTA) Arterial Highway Rehabilitation Program (AHRP) for various street rehabilitation projects. As a result of the application, the city was awarded funding for 14 street rehabilitation projects over three fiscal years. The consent item referenced on this agenda regarding the city's award of funding for street rehabilitation projects under the Orange County Transportation Authority's (OCTA) Arterial Highway Rehabilitation Program represents \$1,333,211 in OCTA grant funding for the remaining nine projects.

Assistant City Administrator Workman reported and introduced Director of Public Works Robert F. Beardsley.

Public Works Director Robert F. Beardsley delivered a one-slide PowerPoint presentation titled *AHRP FY 2002/2003 Project Locations Map*, which was included in the staff report and provided an update on Warner Avenue and other projects to be completed by end of Summer 2003.

Discussion was held between Council and staff concerning the funding of street rehabilitation projects and Mr. Beardsley clarified the method by which OCTA appropriates funding.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's April 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for April 2003.

City Treasurer Freidenrich reported from PowerPoint slides included in the agenda packet, titled *April Treasurer's Report*, which was included in the agenda packet.

The date on the report was announced by City Treasurer Freidenrich to reflect a correction of June 16, 2003.

A motion was made by Green, second Sullivan to review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for April 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: Coerper, (Hardy out of room)

Consent Calendar – Item Removed for Separate Discussion

The following item was removed from the Consent Calendar for separate discussion:

(City Council) Revisions to a Sample License Agreement to Permit Encroachment into the Public Right-of-Way for Outdoor Dining in the Downtown Area of Huntington Beach (340.20)

Consent Calendar – Items Approved

On motion by Green, second Sullivan Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: Coerper

(City Council) Adopted Resolution No. 2003-41 Establishing Voluntary Payroll Deduction Program Fund Permitting Non-Associated Employees and City Council Members to Participate in Statewide "Save Our Services" (SOS) Campaign Organized by *Action for Better Cities* (700.10) – Adopted Resolution No. 2003-41 – "A Resolution of the City Council of the City of Huntington Beach Establishing a Voluntary Payroll Deduction Program."
Submitted by the City Administrator. Funding Source: City funds are not involved.

(City Council) Adopted Resolution No. 2003-42 Establishing Annual Tax Proceeds - Gann Appropriation Limit for Fiscal Year 2003-2004 (340.90) – Adopted **Resolution No. 2003-42** “*A Resolution of the City Council of the City of Huntington Beach Establishing the Appropriation Limit for Fiscal Year 2003/2004.*” Submitted by the Administrative Services Director. Funding Source: Not applicable.

(City Council) Approved Exception to Hiring Freeze for Position of Police Lieutenant – Fiscal Year 2002-2003 (310.20) – Authorized the City Administrator to approve the position of Police Lieutenant as an exception to the current hiring freeze to maintain productivity and efficiency in the Police Department. Submitted by the Administrative Services Director. Funding Source: Budgeted within Fiscal Year 2002-2003.

(City Council) Accepted the Resignations of Patricia Falzon, Richard Warren and John DeWitt and Approved the Appointments of Elaine Keeley, Anita Brace and Jeanette Mueller to the Allied Arts Board of the Community Services Department (with Terms to Expire June 30, 2007) (110.20) Accepted the resignations of **Patricia Falzon, Richard Warren** and **John DeWitt** and approved the appointments of **Elaine Keeley, Anita Brace** and **Jeanette Mueller** to the Allied Arts Board with terms to expire June 30, 2007, as recommended by Council Liaisons Mayor Connie Boardman and Councilmember Pam Houchen. Submitted by Council Liaisons Mayor Connie Boardman and Councilmember Pam Houchen. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2003-43 Authorizing Execution of Amendment Nos. 1 and 2 to Agreement to Lease PRC 6616.9 between the City and the California State Lands Commission for Operation and Maintenance of Huntington Beach Pier and Related Concessions (600.20) – Adopted **Resolution No. 2003- 43** – “*A Resolution of the City Council of the City of Huntington Beach Authorizing Execution by the Mayor and City Clerk of Amendments to a Lease Agreement between the City and California State Lands Commission for Operation of Huntington Beach Pier and Related Concessions.*” Submitted by the Community Services Director. Funding Source: Not applicable. (Resolution No. 2003-43 contains as an attachment the Agreement titled *State of California State Lands Commission Amendment #1 to Lease PRC 6616.9.*)

(City Council) Approved Five-Year Extension of City Beach Trash Receptacle Sponsorship Agreement between the City (as a Member of the Orange Coast Marketing Coalition) and Adopt-A-Highway Maintenance Corporation (600.25) Authorized the Mayor and City Clerk to sign the *Agreement to Extend the Orange Coast Marketing Coalition’s (OCMC) Trash Receptacle Sponsorship Agreement.*” Submitted by the Community Services Director. Funding Source: Not applicable. (In 1997 the City became a member of the Orange Coast Marketing Coalition. In 1998 the Coalition received an offer from Adopt-A-Highway Maintenance Corporation for the provision of free trash receptacles.)

(City Council) Approved Instructional Class Budget Amendment and Authorized Appropriation of Funds for Recreational Instructors at the Seniors’ Center; City Gym and Pool; and Edison and Murdy Community Centers (320.45) - Authorized the appropriation of \$210,000 from the General Fund Unappropriated Fund Balance into Instructional Classes- Professional Services Account #10045406.69505 to pay recreation class instructors. Submitted by the Community Services Director. Funding Source: The transfer of funds will be offset by revenue generated by instructional classes.

(City Council) Approved Amendment No. 1 to the License Agreement between the City and California Federal Bank (Citibank) for the Provision of ATM (Automated Teller Machine) Services at Pier Plaza (600.10) – *Approved Amendment No. 1 to License Agreement between the City of Huntington Beach and California Federal Bank.* Submitted by the Community Services Director. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2003-44 Amending the City's Classification Plan (Public Sector Personnel Consultants) (700.10) – **Adopted Resolution No. 2003-44** "A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Adding, Deleting and Modifying a Classification and Compensation in the City Classification Plan." Submitted by the Administrative Services Director. Funding Source: Fiscal Year 2002-2003 budget.

(City Council) Approved Project Plans and Specifications and Authorized Advertisement of Bids - Arterial Highway Rehabilitation Projects (AHRP); CC-1150, CC-1151, CC-1152, CC-1153, CC-1154, CC-1155, CC-1156, CC-1158 and CC-1159 (600.50) – Approved the project plans and specifications and authorized the Director of Public Works to request bids for the Arterial Highway Rehabilitation Projects, CC-1150 to CC-1156, CC-1158 and CC-1159. Submitted by the Public Works Director. Funding Source: A combination of Federal AHRP Grant - \$1,333,211 and Gas Tax Funds - \$1,448,976 for a total of \$2,782,187.

The projects are:

Warner Avenue CC-1150
(Bolsa Chica to Sims)
Springdale Street CC-1151
(McFadden to Edinger)
McFadden Avenue CC-1152
(Goldenwest to I-405/City Limit)
Magnolia Street CC-1153
(Atlanta to Indianapolis)
Gothard Street CC-1154
(Ellis to Heil)

Hamilton Avenue CC-1155
(Bushard to Santa Ana River)
Yorktown Avenue CC-1156
(Bushard to Brookhurst)
Graham Street CC-1158
(Warner to Heil)
Warner Avenue CC-1159
(Graham to Springdale)

(City Council) Accepted Bid and Awarded Contract to Inspection Engineering Construction, Inc. for the Safe Routes to School Improvements Project; CC-1210 for Improvements (including Traffic Signal Installation at 17th Street and Palm Avenue) within the Agnes L. Smith Elementary School (600.70) – **1.** Accepted the lowest responsive and responsible bid submitted by Inspection Engineering Construction, Inc. in the amount of \$229,474 for the Safe Routes to School Improvements, CC-1210; and **2.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: \$264,000 – Safe Routes to School Grant and Traffic Impact Fund Accounts. Total project costs - \$319,000. Grant funds - \$237,600 will be reimbursed upon completion of project.

(City Council) Approved as Amended on Page 2 - No.2 - Revisions to a Sample License Agreement to Permit Encroachment into the Public Right-of-Way for Outdoor Dining in the Downtown Area of Huntington Beach (340.20)

Councilmember Houchen requested that this agenda item be removed from the Consent Calendar to discuss the license agreement term, fees and charges and to receive information from staff.

Discussion was held between Council and staff concerning licensing policies and procedures. Council received clarification from City Treasurer Shari Freidenrich, Planning Director Howard Zelefsky, and City Attorney Jennifer McGrath.

A motion was made by Houchen, second Cook to **approve revisions as amended** to the sample license agreement for encroachment into the public right-of-way for outdoor dining in the Downtown to read in part as follows and as set forth by City Attorney Jennifer McGrath's recommended changes in the first paragraph of Page 2, No. 2 as follows: 1) the term of this License is *five years*; 2) the subsequent three sentences in the paragraph were deleted; 3) the last sentence was changed to read "*In consideration of this License, LICENSEE agrees to pay to CITY on an annual basis an annual fee as appropriate, a use charge, and an inspection fee in the following amounts:*"

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy
 NOES: None
 ABSENT: Coerper

(City Council) Approved City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (640.90)

The City Council considered a communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook: The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on these items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

1. See **HR 1478** to follow later in the minutes.

Discussion was held among Council concerning amendments to AB 496.

2. A motion was made by Boardman, second Coerper to: **Support AB 496 with amendments in a communication dated May 19, 2003 distributed to the Council by Bill Orton (representing Assemblyman Correa) at the City Council meeting of May 19, 2003.** Santa Ana River Conservancy. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy
 NOES: None
 ABSENT: Coerper

3. See **AB 608** to follow later in the minutes.
4. See **AB 947** to follow later in the minutes.
5. See **SB 17** to follow later in the minutes.
6. See **SB 744** to follow later in the minutes.

Discussion was held among Council concerning State Mandated Local Programs.

Councilmember Sullivan stated his support for SB 55.

7. A motion was made by Boardman, second Cook to: **Watch SB 55 (Ackerman)** State Mandated Local Programs. The motion carried by the following roll call vote:

AYES: Green, Boardman, Cook, Houchen, Hardy

NOES: Sullivan

ABSENT: Coerper

8. See **ACA 5** to follow later in the minutes.

Discussion was held among Council concerning ACA 9 and voting majorities.

9. A motion was made by Cook, second Hardy to: **Support ACA 9 (Levine) as amended on April 21, 2003** - Local governmental taxation: special taxes: voter approval – a Constitutional Amendment. The motion carried by the following roll call vote:

AYES: Boardman, Cook, Houchen, Hardy

NOES: Sullivan, Green

ABSENT: Coerper

10. See **AB 359 (Koretz)** to follow later in the meeting.
11. See **AB 968 (Correa)** to follow later in the meeting.

A motion was made by Cook, second Houchen to approve the following recommended actions on the remainder of the Assembly and Senate Bills: The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on these items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

1. **Watch HR 1478 (Israel) as introduced on 03/27/03.** Amateur Radio Antennas.
3. **Reconsider, withdraw support and take no position on AB 608 (Daucher) as amended on April 23, 2003** - Crimes: School Employees as it no longer impacts either Huntington Beach or city governments in general.
4. **Support AB 947 (Correa) as amended on April 22, 2003** – California Ocean Resource Management Plan.
5. **Reconsider and Reinstate Support for SB 17 (Escutia)** as amended on May 14, 2003 Change in ownership of Commercial, non-residential property.

6. **Oppose SB 744 (Dunn / Ducheny)** as amended on April 21, 2003 - Planning Housing.
8. **Support ACA 5 (Cogdill, Garcia) as introduced** - Local government finance: property tax revenue allocation: local agency relief – a Constitutional Amendment.
10. **Oppose AB 359 (Koretz) as amended on May 14, 2003** - Public safety officers: off-duty employment.
11. **Watch AB 968 (Correa) as amended on March 16, 2003** - Worker's Compensation – Bio-terrorism.

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: Coerper

(City Council) Approved Reorganization of Information Services (IS) Department with an Effective Date of August 1, 2003 and Adopted Resolution No. 2003-45 Amending the Classification Plan (700.10)

The City Council considered a communication from the Information Services Director requesting Council to approve the proposed reorganization of the City's Information Services Department functions to staff the new Information Services Department and to approve specific classifications for the new department. The staff report sets forth that IS positions were excluded from the hiring freeze.

Assistant City Administrator William Workman reported. Information Systems Director Janis Ingels presented a PowerPoint presentation titled *Information Services Consolidation Plan – 2003* which was included in the agenda packet.

Discussion at length was held regarding retaining contractors and the cost to the city. Information Systems Director Janis Ingels responded that dollar amounts are not available at this time.

A motion was made by Houchen, second Green to:

1. Approve the reorganization of the Information Services Department with an effective date of August 1, 2003;

and

2. Adopt **Resolution No. 2003-45** – “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Modifying a Classification and Compensation in the City Classification Plan.”

The motion carried by the following roll call vote:

AYES: Green, Boardman, Houchen, Hardy
NOES: Sullivan, Cook
ABSENT: Coerper

(City Council) Approved the Annual 2003-2004 Traffic Signal Installation Priority List (580.10)

Council considered a communication from the Public Works Director informing Council that the Department of Public Works annually evaluates intersections for potential signalization. The evaluation procedures are complete and a new Traffic Signal Priority List has been prepared. The City's proposed 2003-2004 budget will include recommendations for funds for two traffic signal installations from the Fair Share Traffic Impact Fee fund and the AQMD (Air Quality Management District) 2766 Subvention program.

The staff report further sets forth that the following four locations are **not** included on the list due to current or planned construction of signals: **1.** Palm Avenue/17th Street; **2.** Heil Avenue/Graham Street; **3.** Hamilton Avenue/Newland Street; and **4.** Slater Avenue/Nichols Street. Attachment 2 is a list of 21 city street intersections by order of priority.)

Traffic Engineer Robert Stachelski reported on a PowerPoint presentation titled *2003/04 Traffic Signal Priority List* which was included in the agenda packet.

There was considerable discussion between Council and staff concerning traffic signals. Traffic Engineer Stachelski stated studies document that traffic signals enable efficient traffic flow, improve air quality and decrease traffic noise.

A motion was made by Houchen, second Boardman to **approve as amended** the 2003-04 Traffic Signal Installation Priority List to move the following on the Recommended 2003 Traffic Signal Priority List: 1) Beach at Taylor; 2) Adams at Ranger; 3) Beach at Seabridge/Memphis; and 4) Ellis at Delaware. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: Coerper

(City Council) Approved Introduction of Ordinance No. 3610 Amending Chapter 3.36 of the Huntington Beach Municipal Code Re: the City's Utility Users Tax (UUT) to Reflect Recent Regulatory, Technological, and Economic Changes in the Utilities Industries (Southern California Edison, The Gas Company, and Time Warner Cable) (640.10)

City Attorney Jennifer McGrath reported this is a clean-up ordinance.

After Assistant City Clerk Liz Ehring read by title, a motion was made by Green, second Cook to approve for introduction **Ordinance No. 3610** - *"An Ordinance of the City of Huntington Beach Amending Chapter 3.36 of the Huntington Beach Municipal Code Regarding the Utilities Tax of the City of Huntington Beach."* The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: Coerper

(City Council) Removed from Agenda Earlier in Meeting - Introduction of Ordinance No. 3611 Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking Time Limits for Oversized Vehicles (Recreational and Detached Trailers) in Residential Areas (640.10)

Ordinance No. 3611 was pulled from the agenda – “An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking Time Limits.” (The ordinance lists the affected arterial highways in the City.)

(City Council) Directed Staff to: (1) Accept Rainbow Disposal’s Offer of Additional Downtown Area Trash Collection and Restoration of Sidewalk Cleaning; (2) Revise Rainbow Disposal Agreement to Reflect Changes in the Collection Schedule and (3) Return to Council in December 2003 to Review and Report on the Recommendations - Authorize Appropriation of Funds (600.45)

The City Council considered a communication from Councilmember Pam Houchen transmitting the following **Statement of Issue**: Since 1998 the downtown trash collection schedule has remained unchanged. During those five years, both the numbers of residents and visitors to Huntington Beach have increased substantially. With the completion of major commercial/resort venues, along with the emphasis on making Huntington Beach a destination resort, we will need to accommodate thousands of additional people shopping and strolling in the City’s burgeoning downtown area. An inevitable byproduct of this activity is the additional trash that will be generated and disposed of in one of the 96 public receptacles along Pacific Coast Highway, Main Street and the adjoining streets in the downtown area.

Rainbow Disposal has served the city of Huntington Beach since the mid 1950’s. The company’s involvement with the community is long-standing and the firm is very aware of our budgetary constraints. As a concerned local corporation, Rainbow has offered to contribute toward alleviating the blight that under-serviced collection can cause. They have offered to credit the City’s “cap” account for one additional receptacle pick up in the downtown area on each Friday, Saturday and Sunday that collection occurs between now and December 31, 2003. Since the City will not need to compensate Rainbow Disposal for the extra weekend collections, the value of that service will be approximately \$15,000.

I propose that the City, supplement Rainbow’s increased service by adding one collection on each of the weekdays that are scheduled for the remainder of 2003. That would equate to an additional cost to the City of approximately \$18,000. This increased service would be reviewed at the end of September. The downtown collection fee is part of the City’s “cap” and any overage is billed to the City annually in February; therefore, compensation to Rainbow for the extra weekday collections will be due in February 2004.

In addition to the trash accumulation downtown, the sidewalks are not being pressure washed with enough frequency. As a result of NPDES requirements, the City’s contractual costs have increased because it must provide a service that emits “zero discharge” of water to the storm drain system. This more costly process has forced the City to cut back on cleaning frequency in the peak season months from twice monthly to monthly to stay within budget.

To restore the badly-needed service level to twice monthly for the peak months of June, July, August and September this year, it will require the appropriation of \$6,000 of General Fund money to the Park, Tree and Landscape operating budget.

Councilmember Pam Houchen reported regarding the NPDES (National Pollutant Discharge Elimination System) permitting requirements. Public Works Director Robert F. Beardsley, Deputy Public Works Director Paul Emery and Economic Development Director David Biggs reported on potential BID (Business Improvement District) for the Downtown.

A motion was made by Houchen, second Cook to:

1. Accept Rainbow Disposal's offer to credit the City for one additional trash collection on Friday, Saturday and Sunday of June, July, August, September, and October; and Friday and Saturday in November and December, 2003;

and

2. Direct staff to appropriate in the FY 2003/04 operating budget, \$18,000 for enhanced weekday (Monday through Thursday) downtown trash collection services between June and December 2003. A review of this additional service would occur by the end of September 2003;

and

3. Direct staff to contact Rainbow Disposal and revise the collection schedule to reflect the additional collections

and

4. Direct staff to appropriate \$6,000 in the current fiscal year budget for the restoration of sidewalk cleaning frequency in the downtown area to twice monthly in June, July, August and September 2003;

and

5. Direct staff to review and report to the City Council in December 2003 on the recommended downtown area trash collection schedule for 2004.

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: Coerper

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, June 23, 2003, at 1:00 p.m., in the Council Chambers, Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman